

Filed

OCT 11 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 J. RANDALL ANDRADA (SBN 70000)

2 randrada@andradalaw.com

3 MATTHEW W. ROMAN (SBN 267717)

4 mroman@andradalaw.com5 **ANDRADA & ASSOCIATES**
6 **PROFESSIONAL CORPORATION**

7 180 Grand Avenue, Suite 225

8 Oakland, California 94612

9 Tel.: (510) 287-4160

10 Fax: (510) 287-4161

11 Attorneys for Defendants

12 MATTHEW L. CATE; EVERETT W. FISHER; DOUGLAS MCCLURE;

13 R. S. MARQUEZ; RICHARD J. KIRKLAND; ROBERT A. HOREL; M.

14 CASTELLAW; L. POLK; M.A. COOK; M.J. NIMROD; S. WHEELER;

15 K.L. MCGUYER; K. BRANDON; TROY WOOD; J.A. MCKINNEY;

16 DAVID J. BARNEBURG; S. O'DELL (sued erroneously as S.O. Dell);

17 DEL HIGGERSON; J. R. MCBRIDE; GINA BRAME DERRICO (sued

18 erroneously as Genna Brame Derrico); T. K. ROSENKRUNS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

15 GABRIEL RUDY CORTEZ

16 Plaintiff,

17 v.

18 MATHEW L. CATE, et al.,

19 Defendants.

Case No.: 5:09-cv-03021-EJD

STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL WITH
PREJUDICE

Hon. Edward J. Davila

Defendants MATTHEW L. CATE; EVERETT W. FISHER; DOUGLAS MCCLURE; R. S.
MARQUEZ; RICHARD J. KIRKLAND; ROBERT A. HOREL; M. CASTELLAW; L. POLK; M.A.
COOK; M.J. NIMROD; S. WHEELER; K.L. MCGUYER; K. BRANDON; TROY WOOD; J.A.
MCKINNEY; DAVID J. BARNEBURG; S. O'DELL; DEL HIGGERSON; J. R. MCBRIDE; GINA
BRAME DERRICO; and T. K. ROSENKRUNS, by and through their counsel, MATTHEW ROMAN
of Andrada & Associates, and Plaintiff, GABRIEL RUDY CORTEZ, in pro se, submit the following
Stipulation of Dismissal with Prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

1 IT IS HEREBY STIPULATED that the above-captioned action be and hereby is dismissed with
 2 prejudice pursuant to Fed. R. Civ. P. 41(a)(1).

3 IT IS FURTHER STIPULATED that each party shall bear its own costs.

4
 5 Date: September 17, 2013

GABRIEL RUDY CORTEZ

6 *PER release agreement dismissal is not to be filed with the
 7 court until settlement payment is delivered.*

8 By *Gabriel R. Cortez*

GABRIEL RUDY CORTEZ

9
 10 Dated: September 12, 2013

ANDRADA & ASSOCIATES

11
 12 By *Matthew Roman*

MATTHEW ROMAN
 Attorneys for Defendants

13
 14
 15 Plaintiff GABRIEL RUDY CORTEZ's claims against Defendants MATTHEW L. CATE;
 16 EVERETT W. FISHER; DOUGLAS MCCLURE; R. S. MARQUEZ; RICHARD J. KIRKLAND;
 17 ROBERT A. HOREL; M. CASTELLAW; L. POLK; M.A. COOK; M.J. NIMROD; S. WHEELER;
 18 K.L. MCGUYER; K. BRANDON; TROY WOOD; J.A. MCKINNEY; DAVID J. BARNEBURG; S.
 19 O'DELL; DEL HIGGERSON; J. R. MCBRIDE; GINA BRAME DERRICO; and T. K.
 20 ROSENKRUNS are HEREBY DISMISSED WITH PREJUDICE pursuant to the stipulation between
 21 the parties.

22
 23 IT IS SO ORDERED.

24
 25 DATED: 10/11/13

26 *[Signature]*

HONORABLE EDWARD J. DAVILA

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GABRIEL R. CORTEZ,
Plaintiff,

Case Number: CV09-03021 EJD

CERTIFICATE OF SERVICE

v.

MATTHEW L. CATE et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 11, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gabriel Rudy Cortez J-76501
Pelican Bay State Prison
P. O. Box 7500
Crescent City, Ca 95532

Dated: October 11, 2013

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk